

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1659-AIR-E TCEQ ID: RN102561925 CASE NO.: 34789**  
**RESPONDENT NAME: The Goodyear Tire & Rubber Company**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Goodyear Tire &amp; Rubber Beaumont Chemical Plant, 11241 Interstate 10, Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Chemical plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 31, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784;  Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Charlie Mingo, Environmental Team Leader, The Goodyear Tire &amp; Rubber Company, P.O. Box 26003, Beaumont, Texas 77720  Mr. Bradley E. Ioerger, Plant Manager, The Goodyear Tire &amp; Rubber Company, P.O. Box 26003, Beaumont, Texas 77720  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 9 through August 10, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 4, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>AIR</b></p> <p>Failed to annually certify the continuous emissions monitoring system ("CEMS") for Boiler 3B-101 (EPN: 3B-101). The CEMS carbon monoxide relative accuracy test audit exceeded the limit of five parts per million on November 30, 2005 [30 TEX. ADMIN. CODE § 335.221(a)(4) and Permit HW-50379-000, Condition No. V.I.7.b.(1)].</p>	<p><b>Total Assessed:</b> \$6,475</p> <p><b>Total Deferred:</b> \$1,295  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,590</p> <p><b>Total Paid to General Revenue:</b> \$2,590</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant by certifying the CEMS for Boiler 3B-101 on April 19, 2006.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): JE0039N

**Attachment A**  
**Docket Number: 2007-1659-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Goodyear Tire &amp; Rubber Company</b>
<b>Payable Penalty Amount:</b>	<b>Five Thousand One Hundred Eighty Dollars (\$5,180)</b>
<b>SEP Amount:</b>	<b>Two Thousand Five Hundred Ninety Dollars (\$2,590)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



The Goodyear Tire & Rubber Company  
Agreed Order – Attachment A

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission  
Transportation and Environmental Resources  
Bob Dickenson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703

## **3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	8-Oct-2007	Screening	10-Oct-2007	EPA Due	4-Jul-2007
	PCW	18-Oct-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	The Goodyear Tire & Rubber Company		
Reg. Ent. Ref. No.	RN102561925		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	34789	No. of Violations	1
Docket No.	2007-1659-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Aaron Houston
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$2,500**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 184% Enhancement Subtotals 2, 3, & 7 **\$4,600**

Notes: Penalty enhancement due to: one (1) NOV for same or similar violation, seventeen (17) NOVs for unrelated violations including twelve (12) self-reported effluent violations, six (6) 1660 Agreed Orders with denial of liability, and one (1) Findings Order without denial of liability.

**Culpability** No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 25% Reduction Subtotal 5 **\$625**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes: The Respondent certified the continuous emissions monitoring system ("CEMS") for Boiler 3B-101 on April 19, 2006.

**Total EB Amounts** \$192 **0% Enhancement\*** Subtotal 6 **\$0**  
**Approx. Cost of Compliance** \$10,000 **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$6,475**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$6,475**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$6,475**

**DEFERRAL** 20% Reduction Adjustment **-\$1,295**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$5,180**

Screening Date 10-Oct-2007

Docket No. 2007-1659-AIR-E

PCW

Respondent The Goodyear Tire &amp; Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 34789

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102561925

Media [Statute] Air

Enf. Coordinator Aaron Houston

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 184%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Penalty enhancement due to one (1) NOV for same or similar violation, seventeen (17) NOVs for unrelated violations including twelve (12) self-reported effluent violations, six (6) 1660 Agreed Orders with denial of liability, and one (1) Findings Order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 184%

<b>Screening Date</b> 10-Oct-2007 <b>Respondent</b> The Goodyear Tire & Rubber Company <b>Case ID No.</b> 34789 <b>Reg. Ent. Reference No.</b> RN102561925 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> Aaron Houston <b>Violation Number</b> 1 <b>Rule Cite(s)</b> 30 Tex. Admin Code § 335.221(a)(4) and Permit HW-50379-000, Condition No. V.I.7.b.(1) <b>Violation Description</b> Failed to annually certify the CEMS for Boiler 3B-101 (EPN: 3B-101). The CEMS carbon monoxide relative accuracy test audit exceeded the limit of five parts per million on November 30, 2005.	<b>Docket No.</b> 2007-1659-AIR-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i>
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<b>Base Penalty</b>	\$10,000
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**>> Environmental, Property and Human Health Matrix**

OR	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>

Matrix Notes	At least 70% of the rule requirement was not met.
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<b>Adjustment</b>	\$7,500
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	\$2,500
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**Violation Events**

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days
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mark only one with an x	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			

One single event is recommended.	
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$192"/>	Violation Final Penalty Total <input type="text" value="\$6,475"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,475"/>	

**Economic Benefit Worksheet****Respondent** The Goodyear Tire & Rubber Company**Case ID No.** 34789**Reg. Ent. Reference No.** RN102561925**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$10,000	30-Nov-2005	19-Apr-2006	0.4	\$192	n/a	\$192
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost of certifying the CEMS for carbon monoxide. Date required was the date the certification was due.  
Final date is the date the CEMS was certified.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$192

## Compliance History

Customer/Respondent/Owner-Operator:	CN600616049	The Goodyear Tire & Rubber Company	Classification: AVERAGE	Rating: 3.90
Regulated Entity:	RN102561925	GOODYEAR TIRE & RUBBER BEAUMONT CHEMICAL PLANT	Classification: AVERAGE	Site Rating: 21.69
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008077190	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30012	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50379	
	AIR NEW SOURCE PERMITS	PERMIT	3522	
	AIR NEW SOURCE PERMITS	PERMIT	7858	
	AIR NEW SOURCE PERMITS	PERMIT	9481	
	AIR NEW SOURCE PERMITS	PERMIT	15198	
	AIR NEW SOURCE PERMITS	PERMIT	15501	
	AIR NEW SOURCE PERMITS	PERMIT	16052	
	AIR NEW SOURCE PERMITS	PERMIT	20040	
	AIR NEW SOURCE PERMITS	PERMIT	22110	
	AIR NEW SOURCE PERMITS	PERMIT	32349	
	AIR NEW SOURCE PERMITS	PERMIT	35402	
	AIR NEW SOURCE PERMITS	PERMIT	38755	
	AIR NEW SOURCE PERMITS	PERMIT	39089	
	AIR NEW SOURCE PERMITS	PERMIT	44284	
	AIR NEW SOURCE PERMITS	PERMIT	45078	
	AIR NEW SOURCE PERMITS	PERMIT	47289	
	AIR NEW SOURCE PERMITS	PERMIT	48286	
	AIR NEW SOURCE PERMITS	PERMIT	49684	
	AIR NEW SOURCE PERMITS	PERMIT	49769	
	AIR NEW SOURCE PERMITS	PERMIT	50166	
	AIR NEW SOURCE PERMITS	PERMIT	50108	
	AIR NEW SOURCE PERMITS	PERMIT	50257	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0039N	
	AIR NEW SOURCE PERMITS	PERMIT	51694	
	AIR NEW SOURCE PERMITS	PERMIT	53698	
	AIR NEW SOURCE PERMITS	REGISTRATION	72103	
	AIR NEW SOURCE PERMITS	PERMIT	55427	
	AIR NEW SOURCE PERMITS	REGISTRATION	75848	
	AIR NEW SOURCE PERMITS	REGISTRATION	70115	
	AIR NEW SOURCE PERMITS	REGISTRATION	56840	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500016	
	AIR NEW SOURCE PERMITS	PERMIT	56473	
	AIR NEW SOURCE PERMITS	REGISTRATION	70230	
	AIR NEW SOURCE PERMITS	PERMIT	70645	
	AIR NEW SOURCE PERMITS	REGISTRATION	70684	
	AIR NEW SOURCE PERMITS	PERMIT	52447	
	AIR NEW SOURCE PERMITS	PERMIT	50664	
	AIR NEW SOURCE PERMITS	PERMIT	53063	
	AIR NEW SOURCE PERMITS	PERMIT	52770	
	AIR NEW SOURCE PERMITS	PERMIT	53364	
	AIR NEW SOURCE PERMITS	PERMIT	53766	
	AIR NEW SOURCE PERMITS	PERMIT	56478	
	AIR NEW SOURCE PERMITS	PERMIT	53791	
	AIR NEW SOURCE PERMITS	REGISTRATION	73651	
	AIR NEW SOURCE PERMITS	REGISTRATION	75152	
	AIR NEW SOURCE PERMITS	REGISTRATION	70810	
	AIR NEW SOURCE PERMITS	PERMIT	50379	
	AIR NEW SOURCE PERMITS	REGISTRATION	76700	
	AIR NEW SOURCE PERMITS	REGISTRATION	77192	
	AIR NEW SOURCE PERMITS	REGISTRATION	77850	
	AIR NEW SOURCE PERMITS	REGISTRATION	78238	
	AIR NEW SOURCE PERMITS	REGISTRATION	79310	
	AIR NEW SOURCE PERMITS	REGISTRATION	80196	
	AIR NEW SOURCE PERMITS	REGISTRATION	81080	
	AIR NEW SOURCE PERMITS	REGISTRATION	81134	
	AIR NEW SOURCE PERMITS	REGISTRATION	81249	
	AIR NEW SOURCE PERMITS	REGISTRATION	81756	

AIR NEW SOURCE PERMITS	REGISTRATION	81899
AIR NEW SOURCE PERMITS	REGISTRATION	82620
AIR NEW SOURCE PERMITS	REGISTRATION	82794
AIR NEW SOURCE PERMITS	REGISTRATION	82675
WASTEWATER	PERMIT	WQ0000519000
WASTEWATER	PERMIT	TPDES0005061
WASTEWATER	PERMIT	TX0005061
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0039N
AIR OPERATING PERMITS	PERMIT	1593
AIR OPERATING PERMITS	PERMIT	2294
WASTEWATER LICENSING	LICENSE	WQ0000519000

Location: 11241 IH 10, BEAUMONT, TX, 77713 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: October 10, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 10, 2002 to October 10, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Aaron T Houston Phone: 409-899-8784

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

##### A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/31/2003 ADMINORDER 2002-0879-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3A PERMIT

Description: Failure to comply with permitted nitrogen oxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 117, SubChapter B 117.205(f)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT

Description: Failure to comply with permitted nitrogen oxide and carbon monoxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart Db 60.48b(c)  
40 CFR Part 60, Subpart Db 60.48b(e)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT  
SC13 PERMIT

Description: Failure to record NOx CEMS emissions data.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT  
SC14C PERMIT  
SC14D PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to prevent unauthorized emissions from entering the atmosphere.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to prevent unauthorized emissions from entering the atmosphere.  
 Effective Date: 01/30/2005 ADMINORDER 2004-0393-AIR-E  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to prevent the emission of an air contaminant that will contribute to air pollution.  
 Effective Date: 05/09/2005 ADMINORDER 2004-0802-AIR-E  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Reactor Unit on January 19, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the Natsyn Unit on February 3, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Unit on February 26, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on April 15, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Budene Unit on May 30, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the Utilities area on July 14-15, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Tiba Tank Farm on October 17, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on November 22, 2003.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the Unit 821 Old Loading Rack on August 31, 2003, November 6, 2003, January 7, 2004, and January 25, 2004.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on February 2, 2004.  
 Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2, 2004.  
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 9481 PERMIT  
 Description: Failure to maintain an emission rate below the allowable emission limit at the Crumb Tank Vent Condenser from January 1, 2002 to February 19, 2003.  
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 38755 and N016 PERMIT  
 Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on

March 2, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on May 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Finishing Building on January 12-13, 2003, April 16-17, 2003, May 4-5, 2003, July 25-31, 2003, and September 19-20, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 1 PERMIT  
9481, SC 5B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit on October 1, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on October 25, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the Budene 850 Unit on December 1, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit pipe rack on January 9, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on January 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 1 PERMIT  
1040, SC 3 PERMIT  
22110, SC 1 PERMIT  
22110, SC 4B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2-3, 2004.

Effective Date: 10/24/2005

ADMINORDER 2005-0124-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain a permit prior to the release of emissions.

Effective Date: 01/26/2006

ADMINORDER 2005-0676-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT OP  
MAERT PERMIT

Description: Failed to maintain emission rates below allowable limit and failed to prevent unauthorized emissions.



Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(E)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the initial report of an emission event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(5)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the final reports for emission events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report to the regional office a maintenance activity which occurred July 6-9, 2004.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter U 106.476  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to meet the conditions of a Permit By Rule and prevent unauthorized emissions.

Effective Date: 07/14/2006

ADMINORDER 2005-2074-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 22110, Special Condition 1 PERMIT

Description: Failed to maintain a solenoid on the water valve causing the flare to blow out which caused release of emissions that exceeded permit limits

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain visible emissions below the 30 percent opacity limit, for any six-minute period.

Effective Date: 06/29/2007

ADMINORDER 2005-1671-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 4 PERMIT

Special Terms and Conditions (STC) 12A OP

Description: Failed to sample cooling tower emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4F PERMIT

22110, SC 5F PERMIT

9481, SC 7F PERMIT

O-01593, SC 12A OP

Description: Failed to sample fugitive emission components.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(2)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

SC 2 PERMIT

STC 12. A. OP

Description: Failed to conduct timely repair attempts on leaking fugitive emission components.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 22110, SC 2 PERMIT  
O-01593, SC 12A OP  
O-01593, SC 1A OP  
STC 1D OP

Description: Failed to conduct a second monitoring of a repaired component.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP  
O-01593, SC 1D OP

Description: Failed to properly isolate a pump from the process.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 7H PERMIT  
O-01593, SC 12A OP  
O-01593, SC 1A OP  
O-01593, SC 1D OP

Description: Failed to conduct timely repairs on leaking fugitive emission components in the 840 and 880 Units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 22110, SC 2 PERMIT  
22110, SC 5F PERMIT  
O-01593, SC 12A OP  
O-01593, SC 1A OP  
STC, 1.D. OP

Description: Failed to conduct timely repairs on leaking fugitive emission components in the Isoprene Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4E PERMIT  
22110, SC 2 PERMIT  
22110, SC 5E PERMIT  
9481, SC 7E PERMIT  
O-01593, SC 12A OP  
O-01593, SC 1A OP  
O-01593, SC 1D OP

Description: Failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 840 and 880 Units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP  
O-01593, SC 1D OP

Description: Failed to maintain visual inspection records.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4F PERMIT  
O-01593, SC 12A OP

Description: Failed to properly monitor a fugitive emission component.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.100[G]  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 5A PERMIT  
O-01593, SC 12A OP  
O-01593, SC 1A OP  
O-01593, SC 1D OP  
O-01593, SC 1F OP

Description: Failed to operate the Budene Flare (Unit ID 3Q504) using gas with a net heating value of less than 300 BTU/scf.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to record the time of day or whether the flare was smoking in the daily flare operation log for the 870 Unit 3Q503 Wing Flare and the 3Q504 Budene Flare.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 11 OP

Description: Failed to measure and record the pilot flame for the 870 Unit 3Q503 Wing Flare and for the 880 Unit 3Q504 Budene Flare.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: STC - Additional Monitoring Requirements OP

Description: Failed to maintain the Tiba Solution Tank's, the NBL Storage Tank's, and the Modifier Makeup Tank's contents above the fill pipe.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(b)(1)(i)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1D OP  
O-01593, SC 1F OP

Description: Failed to keep complete startup, shutdown, and maintenance records.  
Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to keep complete records of tank-truck VOC transfers.  
Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4H PERMIT  
22110, SC 5H PERMIT  
O-01593, SC 12A OP

Description: Failed to tag visually leaking fugitive emission components.  
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, General Terms and Conditions OP

Description: Failed to report excess opacity events.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20040 and PSD-TX-801, SC 13 PERMIT  
20040 and PSD-TX-801, SC 2 PERMIT  
O-01593, SC 12A OP  
O-01593, SC 1A OP  
O-01593, SC 1G OP

Description: Failed to record complete emissions data.  
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.131(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to limit vent gas pressure.  
Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.121(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to limit opacity.  
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 2F OP

Description: Failed to report excess opacity events.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2.F. OP

Description: Failed to report excess opacity events that were not properly reported to the TCEQ Regional Office.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.100[G]  
30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 AND N016, SC 3 PERMIT  
 38755 AND N016, SC 5 PERMIT  
 O-02294, SC 1A OP  
 O-02294, SC 1D OP  
 O-02294, SC 1E OP  
 O-02294, SC 9A OP

Description: Failed to properly operate the 850 Unit Flare (Unit ID 2Q504).  
 Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to properly monitor emissions control devices.  
 Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: STC - Additional Monitoring Requirements OP

Description: Failed to keep hourly thermocouple monitoring records for the 850 Unit Flare.  
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 AND N016, SC 3 PERMIT  
 38755 AND N016, SC 9E PERMIT  
 O-02294, SC 1A OP  
 O-02294, SC 1D OP

Description: Failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 850 Unit.  
 Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02994, SC 1A OP

Description: Failed to record the time of day in the log of daily flare observations for the 850 Unit Flare.  
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016, SC 3 PERMIT  
 38755 and N016, SC 9N PERMIT  
 O-02294, SC 1A OP  
 O-02294, SC 1D OP  
 O-02294, SC 9A OP

Description: Failed to timely remonitor repaired leaking fugitive emission components.  
 Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions ("GTC") OP

Description: Failed to timely submit an ACC.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.165(a)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include a Certification by a Responsible Official form in a semiannual deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GTC OP

Description: Failed to report the untimely submittal of an ACC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, Special Condition (SC) 1 PERMIT  
22110, SC 1 PERMIT

Description: Failed to comply with permitted emissions limits.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/15/2002	(12553)
2	10/15/2002	(12451)
3	11/21/2002	(16333)
4	11/25/2002	(157896)
5	12/18/2002	(18802)
6	12/18/2002	(18780)
7	12/30/2002	(157900)
8	01/13/2003	(19863)
9	01/13/2003	(19856)
10	01/13/2003	(18807)
11	01/13/2003	(19852)
12	01/27/2003	(157904)
13	02/07/2003	(19387)
14	02/26/2003	(157864)
15	02/26/2003	(157884)
16	03/27/2003	(26346)
17	03/31/2003	(157867)
18	04/21/2003	(157872)
19	05/23/2003	(157876)
20	05/29/2003	(246539)
21	06/26/2003	(157880)
22	08/22/2003	(134113)
23	08/25/2003	(295295)
24	09/22/2003	(295298)
25	10/17/2003	(250603)
26	10/24/2003	(295300)
27	10/31/2003	(253397)
28	11/21/2003	(295301)
29	12/29/2003	(295302)
30	12/29/2003	(258619)
31	12/29/2003	(258630)
32	12/29/2003	(258266)
33	12/30/2003	(258239)
34	12/30/2003	(258248)
35	12/30/2003	(258271)
36	01/07/2004	(259027)
37	01/26/2004	(295303)
38	01/30/2004	(261356)

39	03/01/2004	(295285)
40	03/26/2004	(295287)
41	03/30/2004	(264485)
42	03/30/2004	(264124)
43	04/22/2004	(295288)
44	05/20/2004	(266811)
45	05/25/2004	(295290)
46	05/26/2004	(263609)
47	06/17/2004	(270331)
48	06/22/2004	(272522)
49	06/22/2004	(295292)
50	07/26/2004	(284568)
51	07/26/2004	(284582)
52	07/26/2004	(284587)
53	07/27/2004	(352027)
54	07/30/2004	(284505)
55	08/05/2004	(274526)
56	08/09/2004	(277704)
57	08/09/2004	(277706)
58	08/17/2004	(290283)
59	08/26/2004	(352028)
60	09/20/2004	(352029)
61	10/04/2004	(336372)
62	10/20/2004	(292090)
63	10/20/2004	(352030)
64	10/22/2004	(290284)
65	11/10/2004	(338350)
66	11/22/2004	(290285)
67	11/30/2004	(381823)
68	12/20/2004	(381824)
69	12/27/2004	(344086)
70	01/09/2005	(339077)
71	01/26/2005	(381825)
72	02/24/2005	(345426)
73	02/25/2005	(381821)
74	03/21/2005	(381822)
75	03/23/2005	(351195)
76	03/23/2005	(351073)
77	03/23/2005	(348563)
78	03/23/2005	(351192)
79	03/23/2005	(351066)
80	04/26/2005	(419656)
81	05/03/2005	(379563)
82	05/06/2005	(372977)
83	05/24/2005	(419657)
84	05/31/2005	(393287)
85	05/31/2005	(393084)
86	05/31/2005	(393132)
87	05/31/2005	(392738)
88	06/03/2005	(393156)
89	06/03/2005	(381386)
90	06/03/2005	(393130)
91	06/16/2005	(394991)
92	06/16/2005	(394994)
93	06/21/2005	(419658)
94	07/25/2005	(440796)
95	08/23/2005	(440797)
96	08/30/2005	(401255)
97	08/30/2005	(406535)
98	08/30/2005	(406353)
99	08/31/2005	(337086)
100	09/19/2005	(440798)
101	10/21/2005	(440799)
102	11/15/2005	(436481)
103	11/28/2005	(468360)
104	12/07/2005	(436010)
105	12/12/2005	(434977)
106	12/16/2005	(436674)

107	12/21/2005	(468361)
108	01/27/2006	(468362)
109	02/10/2006	(449822)
110	02/22/2006	(468357)
111	02/28/2006	(455554)
112	02/28/2006	(454886)
113	02/28/2006	(455901)
114	03/13/2006	(468358)
115	03/14/2006	(453724)
116	03/24/2006	(452002)
117	04/17/2006	(468359)
118	05/01/2006	(461205)
119	05/04/2006	(461223)
120	05/04/2006	(461197)
121	05/04/2006	(461228)
122	05/05/2006	(458334)
123	05/05/2006	(461465)
124	05/05/2006	(458422)
125	05/17/2006	(498150)
126	06/19/2006	(498151)
127	06/21/2006	(464306)
128	07/18/2006	(498152)
129	07/31/2006	(489267)
130	08/16/2006	(520161)
131	09/14/2006	(520162)
132	09/15/2006	(520164)
133	10/12/2006	(520163)
134	10/29/2006	(515490)
135	11/10/2006	(544444)
136	11/16/2006	(515476)
137	12/15/2006	(544445)
138	12/20/2006	(533147)
139	12/20/2006	(519278)
140	12/20/2006	(519272)
141	12/22/2006	(532306)
142	01/05/2007	(553665)
143	01/31/2007	(532541)
144	02/13/2007	(544443)
145	03/12/2007	(575215)
146	03/22/2007	(538478)
147	03/26/2007	(543692)
148	04/16/2007	(575216)
149	05/03/2007	(557379)
150	05/09/2007	(575217)
151	06/13/2007	(575218)
152	07/13/2007	(575219)
153	08/06/2007	(575220)
154	08/14/2007	(565668)
155	10/04/2007	(571703)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/28/2003	(157867)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/29/2003	(246539)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date:	06/30/2003	(157884)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	08/22/2003	(134113)		
Self Report?	NO		Classification:	Moderate



Rqmt Prov:	OP TPDES 00519-00		
	OP TPDES 00519-000		
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.		
Self Report?	NO	Classification:	Moderate
Rqmt Prov:	OP TPDES 00519-000		
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the discharge of foam and floating solids in other than trace amounts.		
Self Report?	NO	Classification:	Minor
Rqmt Prov:	OP TPDES 00519-000		
Description:	Failure by Goodyear Beaumont Chemical Plant to ensure that test procedures for the analysis of pollutants comply with procedures specified in 30 TAC 319.11-319.12.		
Self Report?	NO	Classification:	Moderate
Rqmt Prov:	OP TPDES 00519-000		
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.		
Self Report?	NO	Classification:	Moderate
Rqmt Prov:	OP TPDES 00519-000		
	OP TPDES Permit 00519-000		
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	OP TPDES Permit No. 0519-000		
Description:	Failure by Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.		
Date:	05/31/2004		
	(295292)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2004		
	(352028)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/06/2004		
	(274526)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 and N016, SC 3		
Description:	Failure to perform a first attempt at repair within 5 calendar days.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 and N016, SC 3		
Description:	Failure to properly seal the end of a line containing Hazardous Air Pollutants (HAPs).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 AND N016, SC 3		
	OP O-02294, SC 1D		
	OP O-02294, SC 9A		
Description:	Failure to properly seal the end of a line containing HAPs.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 and N016, SC 3		
	PERMIT 38755 and N016, SC 9H		
	OP O-02294, SC 1D		

OP O-02294, SC 9A  
 Description: Failure to comply with the 5 and 15 day requirements for 3 leaking connectors.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 38755 and N016, SC 3  
 OP O-02294, SC 1D  
 OP O-02294, SC 9A  
 Description: Failure to submit the 40 CFR 63, Subpart U, Periodic Reports in a timely manner.  
 Date: 11/30/2004 (381824)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/28/2005 (381822)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2006 (468357)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/10/2006 (449822)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP 2294, General Terms and Conditions  
 OP 2294, Special Term and Condition 1A  
 Description: Failure to complete the daily notation of the flare operation log for at least 98% of  
 the required observations.  
 Date: 07/31/2006 (520161)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2006 (544444)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/05/2007 (553665)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 02/28/2007 (575215)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2007 (575216)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/03/2007 (557379)  
 Self Report? NO Classification: Moderate  
 Rqmt Prov: PERMIT OpR 1  
 Description: Failure by Goodyear Tire & Rubber Company to properly maintain units of  
 conveyance. On 03/13/2007, the 840/880 Ditch was observed to be heavily laden  
 with debris.  
 Self Report? NO Classification: Moderate  
 Rqmt Prov: PERMIT OpR 1

Description: Failure by Goodyear Tire & Rubber Company to properly maintain units of treatment. On 03/13/2007, Clarifier 3U505 was observed to have significant corrosion on the sawtooth effluent weir. The clarifier also supported solidified foam and vegetative growth in the perimeter weir troughs.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT OpR 1

Description: Failure by Goodyear Tire & Rubber to properly maintain units of treatment. On 03/13/2007, excessive corrosion was observed attacking the West Domestic Wastewater Treatment Plant.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT OpR 1

Description: Failure by Goodyear Tire & Rubber Company to properly maintain units of treatment. On 03/13/2007, overspray of activated sludge was observed at the West Domestic Wastewater Treatment Plant.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT OpR 1

Description: Failure by Goodyear Tire & Rubber to properly operate units of treatment. On 03/13/2007, a water hose was left "on" and was unattended at the East Domestic Wastewater Treatment Plant.

Date: 06/30/2007 (575219)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.  
N/A

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.  
N/A

Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE GOODYEAR TIRE & RUBBER  
COMPANY  
RN102561925**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1659-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Goodyear Tire & Rubber Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical plant at 11241 Interstate 10 in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 9, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Four Hundred Seventy-Five Dollars (\$6,475) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Ninety Dollars (\$2,590) of the administrative penalty and One Thousand Two Hundred Ninety-Five Dollars (\$1,295) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all



- or part of the deferred penalty. Two Thousand Five Hundred Ninety Dollars (\$2,590) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant by certifying the continuous emissions monitoring system ("CEMS") for Boiler 3B-101 on April 19, 2006.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to annually certify the CEMS for Boiler 3B-101 (EPN: 3B-101), in violation of 30 TEX. ADMIN. CODE § 335.221(a)(4) and Permit HW-50379-000, Condition No. V.I.7.b.(1), as documented during a record review conducted on August 9 through August 10, 2007. The CEMS carbon monoxide relative accuracy test audit exceeded the limit of five parts per million on November 30, 2005.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Goodyear Tire & Rubber Company, Docket No. 2007-1659-AIR-E " to:





Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

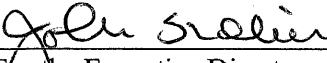
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Five Hundred Ninety Dollars (\$2,590) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent is not in violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director


3/10/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

1/11/08  
Date

Bradley E. Toerger  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
The Goodyear Tire & Rubber Company

Plant Manager  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2007-1659-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Goodyear Tire &amp; Rubber Company</b>
<b>Payable Penalty Amount:</b>	<b>Five Thousand One Hundred Eighty Dollars (\$5,180)</b>
<b>SEP Amount:</b>	<b>Two Thousand Five Hundred Ninety Dollars (\$2,590)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



The Goodyear Tire & Rubber Company  
Agreed Order – Attachment A

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission  
Transportation and Environmental Resources  
Bob Dickenson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703

## **3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.





**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

